

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

CHRISTOPHER J. BARNETT,)
)
Plaintiff,)
)
v.)
)
CASEY HAMILTON, et al.,)
)
Defendants.)

ORDER

Plaintiff Christopher J. Barnett, a state prisoner appearing pro se, initiated this civil rights action on July 31, 2024. [Doc. No. 1]. On the same day, he moved to proceed in forma pauperis (IFP). [Doc. No. 2]. The matter was then referred to United States Magistrate Judge Suzanne Mitchell for initial proceedings consistent with 28 U.S.C. § 636. [Doc. No. 5].

On August 29, 2024, Judge Mitchell issued a Report and Recommendation recommending that the Court deny Plaintiff IFP status because (1) he had accumulated at least three “strikes” under the Prison Litigation Reform Act of 1995 (PLRA), and (2) his complaint did not include specific, credible allegations of imminent danger of serious physical harm to qualify for the PLRA’s “imminent-danger” exception. [Doc. No. 7]. After Judge Mitchell issued her Report and Recommendation, Plaintiff filed a “Motion to Amend and Add Defendants”¹ that may be relevant to the imminent-danger inquiry.² [Doc. No. 8].

Accordingly, the Court finds the Report and Recommendation is MOOT, and the matter is RE-REFERRED to Judge Mitchell for further proceedings consistent with the original referral.

¹ Because Plaintiff had not yet served his complaint, he did not need to seek leave to amend it. *See* Fed. R. Civ. P. 15(a)(1)(A).

² It appears that Plaintiff mailed his motion before reviewing Judge Mitchell’s Report and Recommendation.

IT IS SO ORDERED this 23rd day of October, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE